



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/770,998

01/25/2001

David B. Montgomery

BILL.01P

7555

23732

7590

08/23/2002

KENEHAN & LAMBERTSEN, LTD
1771 E. FLAMINGO ROAD
SUITE 211-B
LAS VEGAS, NV 89119-5154

EXAMINER

CAPRON, AARON J

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Office Action Summary

Application No.

09/770,998

Applicant(s)

MONTGOMERY ET AL.

Examiner

Aaron J. Capron

Art Unit

3714

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

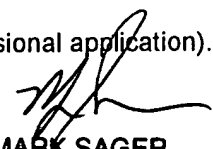
- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.


MARK SAGER
PRIMARY EXAMINER
Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not include the inventor's signature.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 points to an apparatus and method claim, while claim 1 is an apparatus claim. Therefore, claim 9 contains divergent subject matter to claim 1. Claim 9 does not provide competitors with an accurate determination of the metes and bounds of protection involved so that an evaluation of the possibility of infringement may be ascertained with a reasonable degree of certainty.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 3714

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Vuong et al. (U.S. Patent No. 5,762,552; hereafter “Vuong”).

Vuong discloses an electronic gaming apparatus having an electronic game device having a plurality of games accessible to a user (4:20-31 and Figure 6), input means in communication with the electronic gaming device to communicate a input signal to a user (8:28-51); and a game controller in communication with the input means, the game controller initiating and simultaneously continuing play of multiple ones of the plurality of games in response to user activation thereof (4:20-31).

Referring to claim 9, Vuong discloses an apparatus that includes the user input means is a touch screen monitor (8:33-36).

Claim 10 corresponds in scope to a method set forth for use of the apparatus listed in claim 1 and are encompassed by use as set forth in the rejection above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3714

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong in view of Moody et al. (U.S. Patent No. 5,976,016; hereafter "Moody").

Referring to claim 2, Vuong discloses the ability to play a gaming machine as a in order to play a game of chance (6:9-28), but does not disclose having multiple pay tables corresponding to separate outcomes of the game. However, Moody discloses the ability to play multiple games (Figure 3, lines 310,320,330,340 and 350) with each game outcome having the chance to win a differing amount from the pay table (Figure 3 and Table 1). The two references are analogous since Vuong discloses that it has the ability to act as an electronic game of chance where the results are randomly generated. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the ability to play multiple games, as shown by Moody, into Vuong's gaming machine so that a casino has the opportunity to generate more value from each gaming machine because players have the option of playing multiple games at each machine.

In the alternative, Vuong discloses the ability to play multiple games at once such as craps, roulette, and keno (4:20-31). It is notoriously well known that each of these games have their own betting and payment system, which could be interpreted as a pay table. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the separate pay tables for each of the multiple games of Vuong since each game has distinctly different winning events.

Referring to claim 3, as shown above, Vuong in view of Moody discloses that an apparatus that includes a composite pay table defining a new game

Referring to claim 4, Vuong in view of Moody discloses a special bonus payouts for achieving multiple high ranking combinations at the same time (Moody 4:45-50).

Referring to claims 5-7, Vuong discloses an apparatus that includes a network interface in communication with the game controller, enabling communication with the game controller from a remote location (Figure 1, 1:6-10 and 2:43-59).

Referring to claim 8, as shown above, Vuong in view of Moody discloses an apparatus that includes a composite pay table that communicates with each of the plurality of electronic gaming devices.

Claims 11-12 correspond in scope to a method set forth for use of the apparatus listed in claims 2-8 and are encompassed by use as set forth in the rejection above.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9302 for regular communications and (703) 746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
August 20, 2002



MARK SAGER
PRIMARY EXAMINER